

DECLARATION FOR PATENT APPLICATION AND POWER OF ATTORNEY
(Under 37 CFR § 1.63; includes reference to PCT International Applications)

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe that I am an original, first and sole/ joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention **SYSTEM AND METHOD FOR THE FABRICATION OF AN ELECTRO-OPTICAL MODULE**, the specification of which (check one):

- ☐ is attached hereto
- ☒ was filed on **August 21, 2006** as United States patent application serial number **10/590,053**
- ☐ was filed on _____ as an international patent application designating the United States that was assigned serial number PCT/_____

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including, for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below, and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application(s) on which priority is claimed.

Prior Foreign/PCT Application(s):			Priority Claimed:	
Country (or PCT)	Application Number:	Filed (Day/Month/Year)	Yes	No
PCT	PCT/IL2005/000208	20 February 2005	YES	

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application listed below, and, insofar as the subject matter of each of the claims of this application is not disclosed in any prior United States application in the manner provided by the first paragraph of

Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a), which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Prior U.S. (or PCT-designating U.S.) Application(s):			
U.S. Serial No.:	Filed (Day/Month/Year)	PCT Application No.	Status (patented, pending, abandoned)
60/545,171	18 February 2004		
60/545,496	19 February 2004		
	20 February 2005	PCT/IL2005/000208	

I hereby appoint Vladimir Sherman, Registration No. 43,116; Allan C. Entis Registration No. 52,866; Naim Shichrur Registration No. 56,248; Lawrence A Hoffman, Registration No. 22,436 and all attorneys/agents associated with customer number **56639** or their duly appointed associate or agent, my attorney(s) and agent(s), with full power of substitution and revocation, to prosecute this application, to make alterations and amendments therein, to file continuation and divisional applications thereof, to receive the Patent, and to transact all business in the Patent and Trademark Office and in the Courts in connection therewith, and specify that all communications about the application are to be directed to the following correspondence address:

EMPK & Shiloh, LLP
116 John St., Suite 1201
New York, NY 10038

Direct all telephone calls to: (212) 608-4141
and all facsimiles at (212) 608-4144

Please associate this application with customer number **56639**.

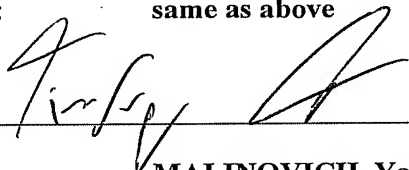
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

INVENTOR(S):

Signature: _____

Date: _____
dd/mm/yyyy


Full name of inventor: **SHEMI, Amotz**
Residence: **24 Malchei Yehuda Street, Herzliya 46348, ISRAEL**
Citizenship: **Israel**
Full Post Office Address: **same as above**

Signature:  _____

Date: 19/03/2008 ×
dd/mm/yyyy

Full name of inventor: **MALINOVICH, Yacov**
Residence: **16 Zaid Street, Tivon 36021, Israel**
Citizenship: **Israel**
Full Post Office Address: **same as above**

Signature: _____



Date: 18/03/2008
dd/mm/yyyy

Full name of inventor:

ARAD, Eli

Residence:

2 Nes Tziona Street, Petach Tikva 49726, Israel

Citizenship:

Israel

Full Post Office Address:

same as above

DECLARATION OF YOSI BARKAI

In connection with a Petition to Revive U.S. Patent Application Ser. No. 10/590,053, (hereinafter also the “ ‘053 Application”) filed on August 21, 2006, as a U.S. National Phase Application of International Application PCT/IL2005/000208 (the PCT Application), I, Yosi Barkai, declare as follows:

1. I am registered to practice before the Israel Patent Office, a member of the bar of the State of Israel, and a partner of the law firm of Pearl Cohen Zedek Latzer (“PCZL”), 5 Shenkar Street, P.O. Box 12704, Herzelia 46733 Israel.
2. PCZL represented ColorChip, Ltd. of Caesarea, Israel (“ColorChip”) in certain patent matters.
3. On August 21, 2006, according to ColorChip’s instructions, PCZL filed U.S. Patent Application Ser. No. 10/590,053 (the “ ‘053 Application”) on behalf of ColorChip with an unsigned inventor declaration.
4. On November 20, 2006, the United States Patent and Trademark Office mailed a Notice of Missing Requirements Under 35 U.S.C. 371 for the ‘053 Application stating that a properly executed Oath or Declaration had not been filed. PCZL received the Notice on November 27, 2006.
5. In a letter dated December 3, 2006, I notified ColorChip of the Notice, and forwarded a declaration and power of attorney for signature by the named inventors. Furthermore, I advised ColorChip that the deadline for responding to the Notice was January 20, 2007, and that extensions of time were available for a fee.
6. In response to the letter and in a number of conversations with ColorChip, I was informed that Dr. Amotz Shemi, one of the named inventors of the ‘053 Application, refused to sign the Declaration.

7. On March 25, 2007, we were instructed by ColorChip to cease all work on its behalf. We were expressly notified that new patent counsel would be engaged, and that we were instructed to do no further work for ColorChip. We were further requested to prepare the ColorChip files, including the '053 Application, for delivery directly to ColorChip.

8. ColorChip's files, including the '053 Application were picked up by ColorChip on May 15, 2007.

9. On May 17, 2007, I sent my former contact at ColorChip a courtesy email reminder of the impending deadline to respond to the Notice.

10. On May 20, 2007, my former contact at ColorChip responded to my email, and asked how the company could respond to the Notice in light of the refusal of one of the inventors to sign the declaration.

11. On May 21, 2007, I responded to my former contact's question about responding to the Notice, including an explanation of the need to file a petition to proceed without an inventor's signature. However, as we were never instructed by ColorChip to respond, I did not file such a petition.

12. I am presently informed that the '053 Application became abandoned on June 20, 2007 for failure to respond to the Notice of Missing Requirements.

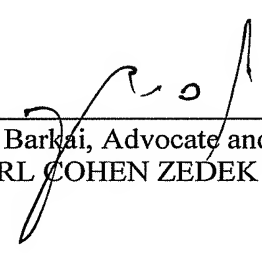
13. To my best recollection, at no time did anyone at ColorChip indicate to me that ColorChip intended to abandon the '053 Application.

14. Therefore, upon information and belief, the entire delay in filing a reply to the Notice of Missing Requirements leading to the abandonment of the application was unintentional.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1901 of Title 18 of the

United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date 17/3/2008 :



Yosi Barkai, Advocate and Patent Attorney
PEARL COHEN ZEDEK LATZER

DECLARATION OF SHAI BELZER
IN SUPPORT OF PETITION UNDER 37 C.F.R. §1.137
TO REVIVE US PATENT APPLICATION 10/590,053
AS UNINTENTIONALLY ABANDONED

I, Shai Belzer, declare on penalty of perjury under the laws of the United States of America as follows:

1. I am the Chief Financial Officer of ColorChip, Ltd. having address at 1 Leshem Street, Industrial Park, Caesarea 38900, Israel (hereinafter, "ColorChip"). I have held this position since November 20, 2005.

2. The current Declaration is in support of a Renewed Petition to revive abandoned U.S. Patent Application Ser. No. 10/590,053, entitled "System and Method for the Fabrication of an Electro-Optical Module" (the "053 Application"), filed on August 21, 2006 as a U.S. National Phase Application of International Application PCT/IL2005/000208 (the PCT Application), and to accept the 053 Application without a declaration signed by Dr. Amotz Shemi, one of the inventors.

3. On about December 3, 2006, ColorChip was informed by Yosi Barkai, an Israel Patent Attorney at Pearl Cohen Zedek Latzer (the "Pearl Firm"), the law firm handling ColorChip's intellectual property at the time, that a Notice of Missing Requirements for the 053 Application had been received from the U.S. Patent and Trademark Office. The notice indicated that a Declaration signed by all the inventors needed to be filed.

The signatures of all the inventors except for that of Dr. Shemi, who refused to sign, were obtained on a Declaration dated January 15, 2007.

4. Dr. Shemi was employed as Chief Executive Officer (CEO) of ColorChip from October 3, 2002 until July 4, 2005 when his employment was terminated following a rather extended period during which his relations with the company were difficult.

Among Dr. Shemi's other duties, he was responsible for monitoring and managing ColorChip's intellectual property. When he left the company, this responsibility was transferred to other company personnel. I eventually became responsible for the 053 Application.

5. During the early part of 2007, relations with the Pearl Firm became strained and on March 25, 2007, I instructed Mr. Barkai at the firm to cease representing us in any capacity. I told him that we would be seeking new attorneys, and to pack our files for us to pick up. ColorChip collected the files on or about May 15, 2007.

In late August 2007, ColorChip engaged the Eitan-Mehulal Law Group, our present intellectual property attorneys, to represent us in proceedings, including those with respect to the 053 Application, before the US Patent Office.

6. Unfortunately, I, and the other company personnel assigned to monitor ColorChip's intellectual property, were relatively inexperienced in dealing with such matters. None of us had ever encountered a situation in which a company employee refused to sign a Declaration for a U.S. Patent Application.

As a consequence, the significance of the Notice of Missing Requirements, and of failure to respond by the deadline were not properly understood, and a timely response was not filed. The fact that we had dismissed our former attorneys compounded the problem.

7. The complexity of responding to the notice of missing parts was also compounded by the fact that it involved the refusal of the ex-CEO (Dr. Shemi), to sign the declaration, and the difficult circumstances under which he left the company.

On numerous occasions after January 15, 2007, I asked Dr. Shemi to sign a Declaration so that we could effect proper filing, and on each occasion, he refused.

8. It is also noted that neither our attorneys of record, ColorChip nor any of the inventors ever received a notice of abandonment of the application, and that mailing of such notice is not recorded in PAIR.

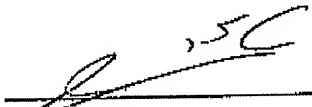
9. **At no time, up to the date of filing of this renewed Petition, has it ever been the intention of ColorChip to allow the 053 application to become abandoned.**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1901 of Title 18 of the

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United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date 01 April 2008 :


Shai Belzer
CFO ColorChip

DECLARATION OF SHAI BELZER
IN SUPPORT OF PETITION UNDER 37 C.F.R. §1.47(a)
TO EFFECT FILING OF PATENT APPLICATION 10/590,053
IN THE ABSENCE OF THE SIGNATURE OF AN INVENTOR

I, Shai Belzer, declare, on penalty of perjury under the laws of the United States of America as follows:

1. I am employed as the Chief Financial Officer of ColorChip, Ltd. Of 1 Leshem Street, Industrial Park, Caesarea 38900, Israel (hereafter, "ColorChip") since November 20, 2005.

2. I am making this Declaration in support of a Renewed Petition being submitted to the U.S. Patent and Trademark Office to revive abandoned U.S. Patent Application Ser. No. 10/590,053, entitled "System and Method for the Fabrication of an Electro-Optical Module" (the "053 Application") filed on August 21, 2006, and to accept the 053 Application without a declaration signed by Dr. Amotz Shemi, a former ColorChip employee and an inventor of the 053 Application.

The declaration is based on personal knowledge and on records of ColorChip, which I believe to be correct, and supplements a Declaration previously submitted by me dated December 18, 2007 in support of an earlier petition seeking the same relief. In the December 18, 2007 Declaration I noted that on repeated occasions Dr. Shemi had stated that he would not sign an Inventor Declaration for the 053 Application.

3. On March 18, 2008, I sent to Dr. Shemi by Courier Service of the Israel Post Office a package containing a complete copy of the 053 Application, including the specification, drawings, claims and preliminary amendment, along with an Inventor Declaration for his signature and a letter requesting that Dr. Shemi sign and return the declaration.

The package was addressed to Dr. Shemi's last known address, which is indicated in ColorChip's records as:

24 Malchei Yehuda Street
Herzliya 46348
Israel.

4. The Courier service assigned the package an Item Number 01-073806835-IL and attempted delivery of the package to Dr. Shemi's address on March 19, 2008 and on March 23, 2008. On both occasions, no one was available to receive the package and a notice was attached to the front door of the address requesting that Dr. Shemi contact the post office to

arrange for a time at which it should be convenient for him to receive the package at his address.

5. On March 25, 2008, I spoke to Dr. Shemi by telephone and requested that he cooperate and sign the Inventor Declaration. **He explicitly refused and told me to stop bothering him, as he will not sign any documents.**

6. On March 31, the Courier Service of the Israel Post Office, after the two attempts at delivery, and in the absence of response to the two notices attached to his door, returned the package to ColorChip as undeliverable.

7. Attached as **Exhibit A** is a copy of the front of the package showing Dr. Shemi's name and address in Hebrew and an Israel Post Office sticker attached to the package showing the package number "01-073806835-IL".

Dr. Shemi's name and address is indicated by a hand drawn block arrow labeled "1". The name and address was crossed out at the post office after the package was determined to be undeliverable. The package number is pointed out by a block arrow labeled "2".

A third block arrow labeled "3" on **Exhibit A** points out the date and hour of the first attempt to deliver the package as March 19, 2008 at 10:40 a.m.

A fourth block arrow on **Exhibit A** labeled "4" points out the date and hour of the second attempt to deliver the package as March 23, 2008 at 1:10 p.m.

It is noted that in **Exhibit A** the post office sticker blocks a portion of the addressee's address.

Attached as **Exhibit B** is a copy of the front page shown in **Exhibit A** with a portion of the sticker folded back to show Dr Shemi's complete address.

8. Attached as **Exhibit C** is a copy of a return delivery slip ColorChip received with the package when it was returned.

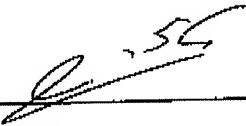
A block arrow labeled "5" points out on the return slip the package number 73806835, (which is shown without prefix "01" and suffix "-IL"). Under the package number, it is noted that the package was returned to the sender as being "refused".

A block arrow labeled "6" points out that the "returner" is Dr. Shemi, whose address is shown under his name as 24 Machei Yehuda, Herzliya; and the addressee as being ColorChip.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 19001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 01 April 2008



Shai Belzer
CFO ColorChip